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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	No. CR-08-0340 SBA
14 Plaintiff,)	STIPULATED REQUEST TO CONTINUE
15 v.)	HEARING DATE TO SEPTEMBER 2,
16 TY WESLEY RYAN (a/k/a Ty Wesley)	2008 AND TO EXCLUDE TIME UNDER
Tyan, a/k/a Ty Ryan),)	THE SPEEDY TRIAL ACT
17 Defendant.)	Date: September 2, 2008
)	Time: 9:00 a.m.
)	Court: Hon. Saundra B. Armstrong

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 20 The above-captioned matter is currently set on July 8, 2008 before this Court for a status
 21 conference. The parties request that this Court continue the hearing to September 2, 2008 at 9:00
 22 a.m. and that the Court continue to exclude time under the Speedy Trial Act between July 8,
 23 2008 and September 2, 2008.

24 On June 20, 2008, United States Magistrate Judge Nandor J. Vadas granted the United
 25 States' Motion for Writ of Habeas Corpus Ad Prosequendum as to the defendant and ordered the
 26 United States Marshal and the Sheriff for Alameda County to bring the defendant before this
 27 Court for the July 8, 2008 status conference. However, between June 20, 2008 and the date of
 28 this stipulated request, the defendant was moved from the custody of Alameda County to the
 STIP. AND [PROPOSED] ORDER TO CONTINUE HEARING TO SEPTEMBER 2, 2008 AND TO EXCLUDE
 TIME
 No. CR-08-0340 SBA

1 custody of the California Department of Corrections and Rehabilitation ("CDCR") to begin
2 serving a state imposed sentence on a separate charge. Accordingly, the defendant's presence
3 cannot be obtained with due diligence for the July 8, 2008 status conference. The parties will
4 now file an Amended Petition for Writ of Habeas Corpus Ad Prosequendum with the United
5 States Magistrate Judge directing the CDCR to produce the defendant at a later date, as directed
6 by this Court.

7 For this reason, the parties stipulate and request that the Court continue to exclude time
8 between July 8, 2008 and September 2, 2008 under the Speedy Trial Act due to the absence and
9 unavailability of the defendant, pursuant to 18 U.S.C. § 3161(h)(3)(A).

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11 DATED: July 8, 2008

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14 WADE M. RHYNE
15 Assistant United States Attorney
Counsel for United States

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NED SMOCK
Counsel for Ty Wesley Ryan

STIP. AND [PROPOSED] ORDER TO CONTINUE HEARING TO SEPTEMBER 2, 2008 AND TO EXCLUDE
TIME
No. CR-08-0340 SBA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) No. CR-08-0340 SBA
12 Plaintiff,) [PROPOSED] ORDER GRANTING
13 v.) REQUEST TO CONTINUE HEARING
14 TY WESLEY RYAN (a/k/a Ty Wesley) DATE TO SEPTEMBER 2, 2008 AND TO
Tyan, a/k/a Ty Ryan),) EXCLUDE TIME UNDER THE SPEEDY
15 Defendant.) TRIAL ACT
16) Date: September 2, 2008
Time: 9:00 a.m.
Court: Hon. Saundra B. Armstrong

19 The parties jointly requested that the hearing in this matter be continued from July 8,
20 2008 to September 2, 2008, and that time be excluded under the Speedy Trial Act between July
21 8, 2008 and September 2, 2008 to allow for the defendant's presence as set forth in the parties'
22 stipulated request. For these stated reasons and good cause appearing therefor, and pursuant to
23 18 U.S.C. § 3161(h)(3)(A),

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STIP. AND [PROPOSED] ORDER TO CONTINUE HEARING TO SEPTEMBER 2, 2008 AND TO EXCLUDE TIME
No. CR-08-0340 SBA

1 **IT IS HEREBY ORDERED** that this matter is set for a status conference on September
2 2, 2008 at 9:00 a.m., and that time between July 8, 2008 and September 2, 2008 will continue to
3 be excluded under the Speedy Trial Act to allow for the parties to obtain the presence of the
4 defendant with all due diligence.

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6 DATED: _____

7 HON. SAUNDRA BROWN ARMSTRONG
8 United States District Judge

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STIP. AND [PROPOSED] ORDER TO CONTINUE HEARING TO SEPTEMBER 2, 2008 AND TO EXCLUDE
TIME
No. CR-08-0340 SBA